

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-006316

02/14/2006

HON. PAUL A KATZ

CLERK OF THE COURT
W. Bobrowski
Deputy

FILED: 02/22/2006

FRANK HADLEY SR., et al.

JEFFREY I OSTREICHER

v.

MESA CITY, et al.

GARY L POPHAM JR.

WILLIAM H DOYLE
ARTHUR ZARAGOZA
RICHARD B ARROTTA

PRETRIAL CONFERENCE

8:32 a.m. This is the time set for Continued Trial Management Conference and Oral Argument on Motions in Limine. Plaintiffs are represented by counsel, Jeffrey I. Ostreicher and Richard B. Arrotta. Defendant is represented by counsel, William H. Doyle and Gary L. Popham, Jr.

Court Reporter, Kim Hannan-Cox, is present.

IT IS ORDERED that Plaintiffs' 13th Motion in Limine to Preclude Defendants from Mentioning or Offering Evidence that Defendants (A) Could Not Afford to Do What Needed to be done to Eliminate the Hazard is withdrawn. Subpart (B) is stipulated to by the parties.

IT IS FURTHER ORDERED that Plaintiffs' 14th Motion in Limine to Preclude Defendants from Mentioning "Blowing Dust Area" Sign, or Offering Photographs of "Blowing Dust Area" Sign is denied.

IT IS FURTHER ORDERED that Defendant's Motion in Limine regarding medical bills is withdrawn.

IT IS FURTHER ORDERED that with respect to Defendant's Motion in Limine regarding ACCHS benefits, the Court will preclude any mention of ACCHS benefits or discounts

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under both the collateral source rule and Rule 403, Arizona Rules of Evidence, with respect to the usual and customary charges for medical expenses.

IT IS FURTHER ORDERED that the Court will allow the use of the photographs contained within the videotape of Dr. Eskay-Auerbach if proper foundation is laid.

IT IS FURTHER ORDERED that as to Dr. Eskay-Auerbach's undisclosed opinions, the Court will not rule on which portions of the deposition are admissible at this point but may exclude some portions if the same opinions are established through the medical records or lack of expertise.

IT IS FURTHER ORDERED that with respect to Defendant's Motion in Limine No. 11 Robert Roller, his opinions shall be based upon personal knowledge and not hearsay.

IT IS FURTHER ORDERED that with respect to Defendant's Motion in Limine No. 6 Don Gabrielson, evidence to rebut general conditions that occur either prior to or post is relevant.

Trial protocol is discussed.

9:24 a.m. Hearing concludes.